



Massachusetts Department of Environmental Protection

Bureau of Waste Prevention

Guidance: Manufacturer's Plan for Collecting & Recycling Mercury-Added Products

Manufacturer's Collection and Recycling Plans, which are required by the Massachusetts Mercury Management Act (Chapter 190 of the Acts of 2006, §6J) and regulation (310 CMR 75.00), are necessary to prevent mercury used in your products from entering the waste stream by providing a convenient method for recycling products when they reach the end of their useful lives in Massachusetts. These Plans must include several elements in order to ensure that the mercury-added product you have made available in Massachusetts is being managed correctly at the end of its useful life. All Plans must be filed with MassDEP by September 30, 2008, and implementation must begin within 45 days of the submittal date. Each required element of a Collection and Recycling Plan is described in the checklist below.

CHECKLIST FOR COMPLETING A COLLECTION AND RECYCLING PLAN:

- ☐ **Complete and attach the MassDEP form: Manufacturer's Plan for Collecting & Recycling Mercury-Added Products**
 - The form is available at: <http://www.mass.gov/dep/toxics/stypes/hgres.htm#mma>
 - Go to "Mercury-Added Products" and see "Certification Forms for Mercury-Added Product Manufacturers"

COLLECTION AND RECYCLING PLAN CONTENTS

- ☐ **Identify the Business that is Submitting the Plan (name, address, contact information, etc)**
- ☐ **List the Mercury-Added Product(s) that will be Covered by the Collection and Recycling Plan**
 - ☐ For each product, provide the following information:
 - ☐ Sales data including the number sold (or estimated to be sold) each year in Massachusetts
 - ☐ The expected lifespan of each product
- ☐ **Currently Available Collection and Recycling Opportunities**

If your business currently provides recycling opportunities for the mercury-added product, or if you are aware of another opportunity where the product is being recycled by another entity (e.g. a municipal collection program), please describe that here.

- ☐ Identify the collection and recycling opportunities that are currently being used to recycle your mercury-added product.
 - ☐ Describe how someone who wishes to participate in the collection and recycling program accesses it
 - ☐ Describe how the collection and recycling opportunity is marketed or promoted to users of the product
 - ☐ Identify which parts or components of the product are recycled
 - ☐ Identify the facility that recycles your mercury-added product
 - ☐ Describe how the product(s) is collected from its end users
 - ☐ Identify any locations at which the product is collected and/or stored before it is transported to the recycling facility
 - ☐ Identify the entity(ies) that manages and pays for the collection and recycling program
 - ☐ If a program is managed by one entity and paid for by another, please identify both, or all parties if there are more than two



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Currently Available Collection and Recycling Opportunities (continued)

- ☐ Describe the extent to which the mercury-added product is currently collected and recycled at the end of its useful life.
 - ☐ Include any available data on the results of the recycling program(s) such as the number of the product(s) collected and the amount of mercury recovered annually.

☐ **Collection and Recycling System Design**

In this section, describe how your collection and recycling program will work. Include all steps involved in collecting and recycling the product, from providing a convenient and accessible method for the collection of an end of life product from the purchaser, to storage (if needed), to recycling by an identified mercury recycler.

Please Note: If your business is already sponsoring a collection and recycling program that includes all the elements required by the Department, you may not need to design a new program.

Your Plan should include the following information:

- ☐ **Collection.** Your collection program needs to be at least as convenient for the purchaser as the original product purchase. You may want to consider one of the following models:
 1. Return of the end-of-life product directly to the manufacturer or a designated agent. An example of this type of system is the inclusion of a prepaid envelope or package with the sale of your product, which the purchaser can use to return the product at the end of its useful life to you or your designated agent for recycling; or
 2. A drop off program in which the end user takes the product to an identified location (e.g., a retailer). Collected products are transported in batches to a recycling facility. The drop-off locations must be convenient to the end users of your products. MassDEP considers this to mean that people should not have to drive more than 30 minutes to a drop-off location.
- ☐ You should describe the following:
 - ☐ The means by which your mercury-added product will be collected from end-users.
 - ☐ The locations where your product will be collected.
 - ☐ Any conditions or limitations that consumers or purchasers may face in returning your mercury-added products.
 - ☐ Any collaborative agreements for collection and recycling with a product retailer/distributor or other manufacturer (or you may attach a copy of any relevant documentation).
 - ☐ Any incentives you will provide to purchasers, to encourage recycling of your mercury-added product.



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Collection and Recycling System Design (continued)

- ☐ **Recycling.** Describe the system that will be employed for the recycling of the mercury in your mercury-added product. Your Plan should include the following information:
 - ☐ The name of the entity that will recycle your mercury-added product
 - ☐ Indicate whether the entity is currently licensed by the state in which it is located to reclaim, handle, store, and ship hazardous waste.
 - ☐ Provide contact information for your mercury recycler, including contact name, mailing address, email, and phone number
 - ☐ A description of any pretreatment of your product that is required before it can be accepted by your recycling facility. If a specific component can be removed from your product to facilitate recycling the mercury content, describe the steps necessary to remove the component from the product.
 - ☐ A description of the record keeping procedure that will document the product has been recycled.
 - ☐ Acceptable documentation may include, but is not limited to: a certificate of recycling, a hazardous waste manifest, a bill of lading or a contractual agreement which shows that the mercury-added product is being recycled for its mercury content and includes the name and address of the facility at which the product is ultimately recycled.
- ☐ **Transport and Storage.** Shipments of mercury-added products to storage and recycling facilities may be transported by either a common carrier or a licensed hazardous waste transporter, and accompanied by information identifying the shipment as products containing mercury. Describe the system that will be employed for the storage and transport of the mercury-added product(s):
 - ☐ How will the product(s) be stored at a given location prior to being transported to the recycling facility?
 - ☐ Describe how frequently, or under what conditions the product will be transported from the collection location to an intermediate storage or consolidation facility before being shipped to a recycling facility.
 - ☐ How frequently will the collected products (or those products that have already been collected and transported to a storage facility) be transported to the mercury recycler?
 - ☐ Who will be responsible for each phase of the program (i.e., collection, transport, storage (if applicable), and recycling).

☐ Outreach

Describe how your Plan will inform purchasers about the need to recycle your mercury-added product, and how you will encourage them to participate in the collection and recycling program. Your Plan should include the following information:

- ☐ The purpose for having a collection and recycling program - which should explain why it is important to responsibly manage mercury-added products.
- ☐ The methods to be used to notify the purchasers of the date when they will be able to begin participating in the collection and recycling program.



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Outreach (continued)

- ☐ The frequency of notifications to your customers of the mercury-added products covered by the Plan. Please note that notification must be made at least annually to those that sell or distribute your product.
- ☐ Location of all mercury-added components in each product covered by the Plan, and directions for removing them to aid collection (if appropriate).
- ☐ The identities of all parties responsible for implementing the purchaser education plan. Who will be responsible for drafting the outreach messages? Who will be responsible for ensuring the education plan reaches the purchaser?

Please Note: You will need to enlist the cooperation of your retail sales and distribution network to assist you in providing information to product purchasers about how they may participate in your collection and recycling program.

☐ **Financing the Collection and Recycling Plan**

- ☐ Describe how you will finance the proposed collection and recycling program. Please note that the cost of the program cannot be placed on state or local government.

☐ **Implementing the Collection and Recycling Plan**

Provide a schedule for the implementation of your Collection and Recycling Plan. Please include:

- ☐ The date on which collection and recycling will start (this must be no later than 45 days after your Plan is submitted to the Department).
- ☐ Provide the dates upon which other tasks in the implementation plan will start (as applicable).

☐ **Documenting Participation by Other Entities**

- ☐ Provide documentation that all parties that you need to engage to successfully implement your Plan are committed to participate.

☐ **Measuring the Success of Your Collection and Recycling Plan**

You will be required to provide information regarding the performance of your collection and recycling program when you prepare your annual certification as a manufacturer of mercury-added products. At a minimum, your program will need to achieve a specific recycling rate in each year that it operates. These rates and the data you will need to calculate them are described in the fact sheet: Manufacturer Collection and Recycling Plans for Mercury-Added Products.

- ☐ Describe what information you will use to assess the success of your collection and recycling program.
- ☐ Describe any performance measures that will be enacted to ensure your Program is successful.



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☐ **Remediating an Underperforming Collection and Recycling Plan**

- ☐ Describe additional or alternative actions that you will implement to improve the collection and recycling program and its operation in the event that the target recycling rate is not met.

☐ **Other Special Conditions or Information**

- ☐ Describe any other special conditions or information about your mercury-added product(s), such as special handling that will be required by product users to participate in the Collection and Recycling Plan.

☐ **Phase Out Plans**

If your business plans to discontinue manufacturing or plans to stop selling or distributing any mercury-added product in Massachusetts after September 30, 2008, please include the following in your Collection and Recycling Plan:

- ☐ Documentation of your intention to phase out use of mercury in the product or to phase out the sale of the mercury-added product in Massachusetts. Types of documentation that MassDEP will accept include, but are not limited to:
 - ☐ Copies of relevant official memos with signatures
 - ☐ Copies of other internal documents with details of phase out plans
 - ☐ Copies of correspondence with distributors or vendors that includes a date for implementing the phase out.
 - ☐ Other (please specify)
- ☐ Provide a schedule for the phase-out (please include expected dates for each step of implementation if applicable).
- ☐ If the Massachusetts sale of a product is being phased out but the product will continue to be offered for sale over the internet or via catalogue/phone sale, explain how you will prevent a product from being sold to a Massachusetts customer.

Please Note: If you have already stopped selling or distributing all your mercury-added product(s) in Massachusetts, please complete sections A & B of the MassDEP certification form: "Manufacturer's Plan for Collecting & Recycling Mercury-Added Products" and return it to the Department at the address listed on the form.